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6 UMG RECORDINGS, INC.

7
8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 SYMETTRICA ENTERTAINMENT,) Case No.: 2:19-cv-01192-CJC (KSx)
12 LTD., a United Kingdom limited)
company,)

13)
14 Plaintiff,)

15 v.)

16 UMG RECORDINGS, INC., a)
17 Delaware corporation,)

18 Defendant.)

**UMG RECORDINGS, INC.'S REQUEST
FOR JUDICIAL NOTICE IN SUPPORT OF
OPPOSITION TO THIRD-PARTY
DEFENDANTS ROBIN CHRISTOPHER
CLARKSON AND TOM O'DELL'S
MOTION TO DISMISS THIRD-PARTY
COMPLAINT**

*(Memorandum of Points and Authorities and
Declaration of Benjamin S. Akley filed
concurrently)*

20) **Hearing:**

21) **Date:** September 23, 2019

22) **Time:** 1:30 p.m.

23) **Place:** Room 7C

24)
25)
26)
27)
28)
**AND RELATED
COUNTERCLAIMS AND THIRD-
PARTY CLAIMS**

REQUEST FOR JUDICIAL NOTICE

Pursuant to Rule 201 of the Federal Rules of Evidence, Defendant / Counterclaim-Plaintiff / Third-Party Plaintiff UMG Recordings, Inc. (“UMG”) hereby requests that the Court take judicial notice of the following documents submitted in support of the opposition to the motion of Third-Party Defendants Robin Christopher Clarkson (“Clarkson”) and Tom O’Dell (“O’Dell” and, together with Clarkson, the “Symettrica Principals”) to dismiss UMG’s Third-Party Complaint against the Symettrica Principals (the “TPC”) pursuant to Federal Rules of Civil Procedure (“FRCP”) 12(b)(2) and (b)(6).

1. Print-outs from the IMDb Pro webpages for (i) Symettrica Entertainment, Ltd. (“Symettrica”), (ii) O’Dell, and (iii) the unauthorized documentary *Drake: Rewriting the Rules* that is the subject of this litigation (the “Infringing Documentary”). These print-outs are attached collectively as Exhibit 1 to the accompanying Declaration of Benjamin S. Akley (the “Akley Decl.”).

2. Symettrica’s “Micro-Entity Balance Sheet as [of] 30 March 2018” obtained from the Companies House website. Companies House is the United Kingdom’s registrar of companies and is an executive agency and trading fund of the British government. This document is attached as Exhibit 2 to the Akley Decl.

The Court may take judicial notice of facts that are “generally known within the trial court’s territorial jurisdiction” or that “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201. With respect to the above, information obtained from both IMDb and the Companies House website has been determined to be judicially noticeable because both are sources whose accuracy cannot reasonably be questioned. *See Klein v. Leis*, No. 06-cv-164, 2006 WL 1489686, at *1 n.3 (S.D. Ohio May 30, 2006) (taking judicial notice of facts on IMDb), *aff’d*, 548 F.3d 425 (6th Cir. 2008); *Neman Fin., L.P. v. Citigroup Glob. Markets, Inc.*, No. 14-cv-2499-BRO-PLAx, 2015 WL 12765636, at *4 (C.D. Cal. Feb. 12, 2015) (taking judicial notice of information from the Companies House website); *Zurich Glob.*

1 *Corp. U.K. v. Bickerstaff, Whatley, Ryan & Burkhalter, Inc.*, No. 08-cv-7066-SJO-
2 FFMx, 2009 WL 10672611, at *4 (C.D. Cal. July 17, 2009) (“Companies House [is] the
3 United Kingdom’s...governmental register of U.K. companies”)); *Caiz v. Roberts*, 224
4 F. Supp. 3d 944, 949 (C.D. Cal. Dec. 15, 2016) (“Courts may...take judicial notice of
5 ‘records and reports of administrative bodies, file histories, and application materials.’”)
6 (quoting Fed. R. Evid. 201(b)(2)).

7 Thus, UMG respectfully requests that the Court take notice of the above-
8 referenced Exhibits to the Akley Decl. pursuant to Federal Rule of Evidence 201.

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11 **PRYOR CASHMAN LLP**

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13 Dated: August 30, 2019 Bv: /s/ Michael J. Niborski
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